

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MARIETTA JOHNSON, ET AL	:	
Plaintiffs	:	
	:	
v.	:	CIVIL ACTION NO.
	:	3-06-CV-01299 (JCH)
	:	
MITSUBISHI MOTOR CREDIT OF	:	
AMERICA, INC., ET AL	:	JANUARY 11, 2007
Defendants	:	

**RULING RE: REQUEST FOR LEAVE TO AMEND PLAINTIFF'S COMPLAINT
(DOC. NO. 27)**

Plaintiffs have requested leave to amend their complaint against the defendants, both of whom have objected. The court grants the request for leave for the following reasons.

With respect to Count 27, the negligent infliction of emotional distress claim that is being added by the plaintiffs' amended complaint, the court finds that the plaintiffs are entitled to plead alternate theories, that would entitle them to the same relief, under the federal rules. In addition, the plaintiffs have actually alleged in paragraph 37 of Count 27 that the defendants "should have realized that their conduct involved an unreasonable risk." Proposed Amended Complaint at ¶ 37. This is exactly what the case law relied upon by defendant Mitsubishi Motor Credit of America, Inc., requires. See Burns v. Board of Education, 228 Conn. 640, 646 (1994) (quoted in Leach v. Collect America, 2004, WL 1966909 (August 9, 2004, Conn. Sup. Ct.) at *3). Further, the more specific allegation concerning the defendants' conduct reasonably supports the allegation in paragraph 37.

With respect to the proposed Count 28, alleging intentional infliction of emotional distress, the court finds that, based on the allegations in the complaint, the court cannot

conclude that the plaintiffs could not recover based on these allegations. See e.g.,
Count 28, ¶¶ 17-24 and 26-35.

For the foregoing reasons, the Request for Leave to Amend Plaintiff's Complaint
(Doc. No. 27) is granted.

SO ORDERED.

Dated at Bridgeport, Connecticut, this 11th day of January, 2007.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge